

REMARKS

Applicants have considered the Final Office Action of January 24, 2008. Claim 1 has been amended. Claim 44 has been cancelled. Claims 1-33 and 35-43 are pending. Applicants acknowledge the finding of allowable subject matter in claims 16-32 and 35-38. Reconsideration of the remaining claims in this application is requested.

Claims 1-15, 33, and 39-44 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by, or under 35 U.S.C. 103(a) as allegedly being obvious over, Gratzel (WO 2001/02624) (WO '624). Applicants traverse the rejection.

WO '624 does not meet all limitations of claim 1. In particular, claim 1 has now been amended to require that the transparent window, anode conductor layer, photoreactive surface, and anolyte flowpath be in that sequence. Support for this amendment can be found in at least Fig. 2; page 6, lines 31-36; and pg. 13, line 1 to pg. 15, line 33. In WO '624, the anolyte flowpath 2 is next to the transparent window 1 and the conductor layer and photoreactive surface are on the other side of the anolyte flowpath. The claims are thus not anticipated.

It would not be obvious, based on WO '624, to put the components in this sequence. In particular, it appears the two conducting oxide film layers 4 must be attached to the glass sheet 1 constituting the back wall of the first cell (on the left-hand side). On page 3, lines 15-30, and page 4, lines 10-15, the electrons are described as being generated in the conductive oxide layer 4 and collected on the glass sheet, then fed into the second cell. The claims are thus not obvious.

Applicants request withdrawal of the 102(b)/103(a) rejection based on Gratzel.

CONCLUSION

For at least these reasons, the pending claims (1-33 and 35-43) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.


In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

FAY SHARPE LLP



Richard M. Klein (Reg. No. 33,000)
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579
(216) 861-5582

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Date: October 9, 2008	Name: Lynda S. Kalemba

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